IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Criminal Writ Petition No.1933 of 2007

Surajbhan Oils Ltd. & ors. Petitioners

Vs.

The State Trading Corporation of
India Ltd. & anr. Respondents

With
Criminal Writ Petition No.1934 of 2007

Vishnu Oil & Vanaspati Industries
Limited & ors. Petitioners

Vs.

The State Trading Corporation of
India Ltd. & anr. Respondents

With
Criminal Writ Petition No.1935 of 2007

Ved Prakash Goyal Petitioner

Vs.

The State Trading Corporation of
India Ltd. & anr. Respondents

Mr.Rajendra R.Mishra for petitioners.
Mr.S.R.Shinde, APP in W.P.1933/07.
Mr.A.S.Shitole, APP in W.P.1934/07.
Mr.D.P.Adsule, APP in W.P.1935/07.

CORAM: B.H.MARLAPALLE, J.
October 17, 2007.

P.C.

. Heard the learned counsel for the petitioners.

The relief sought for in these three petitions is

similar viz. to quash the proceedings in three different criminal cases i.e. C.C. No. 1812/SS/2006, C.C.No.1810/SS/2006 and C.C. No. 1711/SS/2006. All these applications have been re-registered again in the year 2007. It is contended that the complaints have been filed without any cause of action and they are frivolous complaints. It has also been pointed out that the Respondent no.1 has filed Arbitration Petition bearing No.268 of 2007 for the recovery of Rs.12,40,15,385/-.

. As has been held in the case of V.K. Jain & ors. Vs. Pratap V. Padode **[2005 (3) Mh.L.J. 778]**, the petitioners have alternative and equally efficacious remedy of challenging the order of issuance of process before the Sessions Court by filing a revision application under Section 397 of Cr.P.C. and all the grounds raised in these applications can be considered by the Sessions Court. The learned counsel for the petitioners submitted that he has invoked Article 227 of the Constitution also. It is well settled that when a statutory remedy is available, a writ petition under Article 227 of the Constitution need not be entertained as

has been held by the Apex Court in the case of Sadhana Lodh Vs. National Insurance Co. Ltd. & anr. **[(2003) 3 SCC 24]**. In relegating the petitioners to the alternative remedy of criminal revision applications before seeking to invoke the the inherent powers under Section 482 of Cr.P.C., I am also supported by a three-Judge Bench judgment in the case of Madhu Limaye Vs. State of Maharashtra **[AIR 1978 SC 47].**

. The petitions are, therefore, disposed off with liberty to approach the Sessions Court.

. Certified copy is expedited.

(B.H.MARL